

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 428 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

ARJANBHAI VITHABHAI RAVAL

Versus

PREMABHAI HIRABHAI PATEL

Appearance:

MR MH RATHOD for Petitioner
MR VIPUL S MODI for Respondent No. 1

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 20/12/2000

ORAL JUDGEMENT

1. Admit. Learned Advocate for the respondent Mr. Vipul S. Modi waives for the respondent.

2. Learned Advocate Mr. Dilip Rana for Mr. M.H.

Rathod for the appellant and learned Advocate Mr. V.S. Modi for the respondent were heard.

3. During hearing and having regard to the facts of this matter, it appears that without entering into the merits, the Appeal can be disposed of by directing the Trial Court to dispose of the suit itself within a stipulated time.

4. Therefore, in the interest of justice, the following order is passed :

" Learned Civil Judge (SD), Palanpur, is directed to expedite the Special Civil Suit No. 104 of 1998 pending on his file and dispose of the same preferably within three months from the date of receipt of writ of this Court or by producing of certified copy of this order before the Trial Court whichever is earlier. In the meantime, i.e. till the disposal of the suit, the order passed below Application Exh.5 by the trial court on 28th of May, 1999, which is impugned in this appeal shall be operative till the final disposal of the suit."

5. Trial Court is further directed not to be influenced by the reasoning of the order passed by it below Exh. 5 or by this order of this Court while disposing of the suit finally on merits.

6. With the above said order, this Appeal is disposed of with no order as to costs.

7. This will also dispose of Civil Application No. 10777 of 1999. Notice is discharged.

(J.R. Vora, J.)

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